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The relation of these Homeric phrases with the common formulae of names in Palestine is manifest, though based rather on an identity of underlying conceptions than on borrowing by the Greeks from the Phoenicians with whom they were even then in contact; in any case this interpretation lends vivid meaning to what would otherwise appear but relatively colorless periphrases.

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A FURTHER NOTE ON THE PAPIAN LAW

In my article "The Prosecution of Archias" (*Classical Journal*, IX, 165-71), in connection with prosecutions for the usurpation of the rights of Roman citizenship under the Lex Papia, I said: "In the event of conviction there was apparently no penalty prescribed, but the person convicted was simply thereafter excluded from participation in the privileges of citizenship." Exception to this statement is taken by Mr. Radin (*Classical Journal*, IX, 401), who cites the two passages of Dio Cassius (XXXVII. 9) and Cicero (*De off.*, iii. 11. 47) dealing with legislation by the tribune Papius in the year 65. Mr. Radin thinks that "the Lex Papia very specifically was a *ξενηλασία* and contained as its sanction the penalty of expulsion."

It is worth noting that Cicero mentions the Lex Papia only once in this oration (v. 10), and does not even state that Archias was being prosecuted for an alleged infringement of its provisions. But the parallel case of Balbus was clearly one that came under a Lex Papia (Cic. *Balb.*, xvii. 38; xxiii. 52), and scholars have reasonably assumed that Archias was prosecuted under the same law. In the one passage in the oration for Archias where Cicero mentions the Papian law he says nothing whatever about the expulsion of foreigners, but speaks only of the fact that after its enactment many foreigners tried to have their names inserted in lists of citizens in the municipalities ("etiam post legem Papiam aliquo modo in eorum municipiorum tabulas inreperunt"). A penalty is twice mentioned vaguely by Cicero in the speech for Archias. He says: "huic profecto ipsi . . . et opem et salutem ferre debemus" (i. 1), and: "ut humanitate vestra levatus potius quam acerbitate violatus esse videatur" (xii. 31). These expressions indicate a positive hardship to Archias, provided he is convicted, but that hardship need consist in nothing else than the loss of franchise and other privileges of *civites Romanae*. This conclusion is exactly in harmony with the opinion of Mommsen, who says: "Wenigstens führt in den genannten Reden keine Spur auf eine eigentliche Strafe; die *poena* und die Gefährdung des *caput*" (*Pro Balbo* iii. 6; viii. 18. 19) Können füglich in der Aberkennung des präbendierten Bürgerrechts gefunden werden" (*Das römische Strafrecht*, 859, Anm. 5). It is also the opinion of Greenidge (*Legal Procedure*, 426).

In my article I assumed (p. 167) that the Lex Papia was a somewhat extensive measure, of which we might be fairly sure of two clauses: (1) "one who had used the rights of *civitas Romana* without legal qualification might be prosecuted," and (2) "all foreigners in Rome who did not have residence (i.e., legal residence, see *Codex*, x, 40, 7, and Poste's *Gaius*, 4th ed., pp. 297-98) in Italy should be expelled." Both provisions may have been parts of one piece of legislation, as I have assumed, or they may not, but the one certain thing is that the second of the two provisions contains no grounds for a criminal action. It is a genuine *ξενιασία*, and probably resembled earlier enactments on the same subject in granting the privilege of a hearing before a praetor to those who claimed that they were unjustly threatened with expulsion (Mommson, *op. cit.*, p. 858). But the first provision took cognizance of a definite act that was illegal, namely, the assumption of the rights of *civitas Romana* by persons to whom it had not been granted in any one of the ordinary ways. Against this act a criminal prosecution was permitted, either to the state in which the illegal act was done, or to a person who voluntarily assumed the burden of prosecution. If the defendant was found guilty, he was prohibited from further exercise of the rights of a Roman citizen. Possibly he was then subject to the terms of the *ξενιασία* to which Cicero and Dio Cassius refer.

This distinction will be quite clear, I think, if one reads the whole passage in the *De officiis* treating of the Papian legislation: "Male etiam, qui peregrinos urbibus uti prohibent eosque exterminant, ut Pennus apud patres nostros, Papius nuper. Nam esse pro cive, qui civis non sit, rectum est non licere; quam legem tulerunt sapientissimi consules Crassus et Scaevola; usu vero urbis prohibere peregrinos sane inhumanum est."

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HERMES' RÔLE IN *ILIAD* B 201

Professor Finsler, *Homer*³, p. 5, referring to this verse, B 201, says: "Daraus geht unwiderleglich hervor, dass in unserer Reihe Hermes der Vater des Pelops ist. Es wäre auch nicht abzusehen, warum er genannt sein sollte, wenn nicht eben in dieser Eigenschaft." Mr. Thompson, *Studies in the Odyssey*, p. 144, expresses the same idea in these words: "The Handing Down of the Scepter in the second book of the *Iliad* evidently follows a tradition according to which Pelops was the son of Hermes, while Hermes is the son of Zeus."

Pelops is named nowhere else in Homer, so it is impossible to establish or destroy this hypothesis by a Homeric parallel; however, very early there was a well-established tradition that Pelops was the son of Tantalus; see *Cypria* Frag. xi (Oxford edition):

αἴψα δὲ Λυγκεύς

Ταύγετον προσέβαινε ποσὶν ταχέεσσι πεποιθώς.

ἄκρτατον δ' ἀναβὰς διεδέρεκετο νῆσον ἄπασαν

Τανταλίδου Πέλοπος.